

**REGULAR CITY COUNCIL MEETING  
FRISCO MUNICIPAL COMPLEX  
8750 MCKINNEY ROAD  
COUNCIL CHAMBERS  
FRISCO, TEXAS 75034  
5:30 P.M.**

**February 4, 2003**

**MINUTES**

**1. Call to Order**

Mayor Simpson called the Meeting to Order at 5:35 p.m. and announced a quorum was present. The meeting was duly posted and called to order in a timely manner.

Those present were:

Mayor Simpson  
Mayor Pro-Tem Reveal  
Deputy Mayor Pro-Tem Maso  
Council member Allen  
Council member Nichols  
Council member Lafata  
Council member West

Staff present were:

City Manager George Purefoy  
Deputy City Manager Henry Hill  
Assistant City Manager Scott Young  
City Secretary Nan Parker  
City Attorney Richard Abernathy  
City Engineer Frank Jaromin  
Director of Planning & Development Services John Lettelleir

**2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code**

Council member West moved to recess into Closed Session at 5:37 p.m. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Mayor Simpson announced the Council was in Closed Session at 5:37 p.m. as authorized by Texas Government Code, to wit:

- (1) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- (2) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
  - (i) south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
  - (ii) south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.
- (3) Section 551.074. Evaluation of City Manager.
- (4) Section 551.071. Consultation between the City Attorney and City Council where the duty of the City Attorney to City Council pursuant to the Code of Professional Responsibilities of the State Bar of Texas clearly conflicts with the Open Meetings Act regarding negotiations with neighboring cities.

**3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.**

Council member Allen moved to reconvene into Regular Session at 6:40 p.m. Council member West seconded the Motion. Motion carried. Vote: 6-0.

**4. Invocation**

Don Gray Pastor of Rejoice Lutheran Church offered the prayer.

**5. Pledge of Allegiance**

Selected students from Ms. Wall's third-grade class from Gunstream Elementary School led the Pledge of Allegiance.

**6. Citizen Input**

Craig Curry was present to address the Council and stated that for the audience sake that they were going to request Item No. 15 be tabled.

## **7. Reports**

### **a) Presentation from Leadership Frisco Class VI**

Rebecca King, representative from the Leadership Frisco Class VI, was present to address the Council and introduced the remaining members of the Class. Ms. King stated that the project of the class was "Frisco Water wise". The Class presented "Ms. Evana Be Water Smart" one of the robots that other groups have used for education to children in elementary schools.

Ms. King stated the Leadership Class had adopted "Captain Water wise" to be their robot/mascot. Ed Mahoney updated the Council on a website to be created for resources and education. Janet MacCubbin was present to request funding from the City of Frisco for the project. Discussion only, no formal action was taken.

### **b) Presentation by Frisco Association for the Arts**

Sonny Moyers, Presentation of the Frisco Association of the Arts was present to present to recognize five groups and presented awarded them checks for \$1,000.00 each. Those being recognized were: Frisco Chorale, Frisco Visual Guild, Frisco Community Theatre, 5 Degreez of Dance and Symphonia Frisco.

- c) Planning & Development Residential Acreage Report
- d) Planning & Development Department Projects – Council requested the report be placed on the webpage
- e) Engineering Services Staff Report
- f) Board Attendance Records Reports
- g) Parks & Recreation Monthly Report
- h) Project Status Tracking Reports

Review of staff reports. Discussion only, no formal action was taken.

## **8. Consent Agenda**

The Consent Agenda was considered for approval. Mayor Pro-Tem Reveal to pull Item D. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal moved to approve the Consent Agenda, excluding Item D. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

- A. Approval of the minutes of the Regular City Council Meeting of January 21, 2003. (City Secretary)

- B. Adoption of **Ordinance No.03-02-04** Designating Election Day Precincts within the City of Frisco for Elections Ordered (City Secretary)
- C. Adoption of **Resolution No. 03-02-24R** Designating Election Day Polling Places. (City Secretary)
- D. **Adoption of Ordinance No. 03-02-05 calling a General Election for Saturday, May 3, 2003 (City Secretary)**

Mayor Pro-Tem Reveal asked about the status of Candidate Packets. Nan Parker stated the packets were available in the City Secretary's Office for pick up between 8:00 a.m. – 5:00 p.m. Monday – Friday. Ms. Parker stated the first date to file for office is February 17, 2003 and the last date to file for office is March 19, 2003. Mayor Pro-Tem Reveal and Council member Nichols stated that they did not intend to run for re-election. Council member West stated that she did intend to run.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 03-02-05** therein calling a General Election for Saturday, May 3, 2003. Council member West seconded the Motion. Motion carried. Vote: 6-0.

- E. Approval of Payment to Dayton Hudson the Section 380 Sales Tax Grant in the amount of \$23,719.38. (City Manager's Office/KH)
- F. Approval of payment of Invoice Number 425-09 in the amount of \$37,907.00 to Hunt Construction Group in accordance with the owner's representative Agreement. (City Manager's Office/SY)
- G. Approval of Purchase of Three (3) Mobile Data Computer Systems, including software for new Police Vehicles in the amount of \$69,421.00 from ICS. (Police)
- H. Approval of Payment for Annual Maintenance Fees to ICS for Hardware and Software Support in the amount of \$153,720.00. (Police)
- I. Approval of the Annual Investment Report including the Fourth Quarter Information. (Administrative Services)
- J. Approval of the Quarterly Investment Report. (Administrative Services)
- K. Adoption of **Resolution No.03-02-25R** approving and adopting the amended Investment Policy. (Administrative Services)

- L. Adoption of **Resolution No. 03-02-26R** to amend the authorized representative for the City's Legacy Bank Accounts. (Administrative Services)
- M. Award of Bid #0212-049 for two (2) Backhoe Loaders for use by the Frisco Street Department to Landmark Equipment, Inc., in the amount of \$82,540.00 (Public Works)
- N. Approval of Pay Application Number 1 in the amount of \$129,945.00 to Groves Electrical Service for work completed on the Frisco Sports Complex Street Lighting project. (Engineering)
- O. Approval of Change Order Number 1 in the amount of \$194,224.00 for storm sewer improvements to Gary Burns Drive. (Engineering)
- P. Approval of Pay application Number 7 in the amount of \$49,228.99 to JG Builders for work completed on the downtown parking lot. (Engineering)
- Q. Approval of invoices totaling \$22,062.25 for material testing done by QTE Group on Frisco Square. (Engineering)
- R. Approval of Pay Application Number 1 in the amount of \$70,114.35 to Osage Aggregates for work completed on North County Road. (Engineering)
- S. Approval of Contract for Professional Services in the amount of \$19,500.00 with Jones & Boyd Inc. for the Master Planning of Heritage Green Neighborhood Park and the adoption of **Resolution No. 03-02-27R** authorizing the City Manager to execute the Agreement. (Parks and Recreation)
- T. Approval of Agreement by and between the City of Frisco and Texas Department of Transportation for cost sharing (city portion \$) on the median improvements on Preston Road and adoption of **Resolution No. 03-02-28R** therein authorizing the City Manager to execute the Agreement. (Parks and Recreation)
- U. Approval of Bid from Hardscape Construction Specialties, Inc. in the amount of \$549,887.30 for the improvements to the Trails Neighborhood Park. (Parks and Recreation). Contract will be adopted at the February 20, 2003 City Council Meeting.
- V. Approval of Professional Services Payment to F&S Partners, Inc., Invoice Nos. 0014761 for \$13,948.61 and No. 0014762 for \$3,000.00 (Parks and Recreation)

- W. Approval of Agreement by and between the City of Frisco and Carter & Burgess for Professional Services for Southeast Community Park and adoption of **Resolution No. 03-02-29R** authorizing the City Manager to execute the Agreement. (Parks and Recreation)

## **END OF CONSENT AGENDA**

### **9. Legislative Agenda**

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to approve the Legislative Agenda. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

- A. Adoption of **Ordinance No. 03-02-06** therein rezoning 17.8± acres located 780± feet north of Main Street and 1,030± feet east of Teel Parkway from Commercial-2 to Single-Family-4. Neighborhood #45. Zoning Case Z2002-0028. Applicant(s): D.R. Horton (Planning Dept.)
- B. Adoption of **Ordinance No. 03-02-07** therein rezoning 63.5± acres on the south side of Main Street, 500± feet east of Teel Parkway from Agricultural to Information & Technology. Neighborhood #41. Zoning Case Z2002-0031. Applicant(s): Gladys Kirk Lloyd Trust (Planning Dept.)
- C. Adoption of Resolution **No. 03-02-15R** amending the terms of the Interlocal Agreement by and between the City of Plano and the City of Frisco for the operation of Traffic Signals and Roadway Access along Portions of State Highway 121 (Police)

## **END OF LEGISLATIVE AGENDA**

### **Regular Agenda:**

#### **10. Frisco Independent School District presentation of the proposed 2003 School Bond Program. (FISD)**

Richard Wilkinson, Assistant Superintendent and Dr. Rick Reedy, Superintendent of Frisco ISD were present to address the council regarding the 2003 School Bond Program. Discussion only, no formal action was taken.

#### **11. Presentation and acceptance of the Fiscal Year 2002 Comprehensive Annual Financial Report and Auditor's Report. (Administrative Services)**

Mayor Pro-Tem Reveal stated that she had not reviewed the entire Fiscal Year 2002 Comprehensive Annual Financial Report and Auditor's Report. She asked that the item be tabled. Council member Allen moved to **table** the item until February 20, 2003. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

**12. Discuss and give staff direction of the draft objectives for the Tributary Ordinance and give staff direction on the creation of the Tributary Ordinance. (Planning)**

Jeff Witt reviewed the Objectives of the Tributary Ordinance as listed below:

**ADD JEFF'S COMMENTS FROM HIS MEMO.**

**Environmental**

- ☐ Conservation of vegetation and habitat on viable high quality tributaries.
- ☐ Allow for the natural restoration of low quality tributaries using accepted bioengineering techniques.

**Storm water**

- ☐ Provide for the safe conveyance of storm water at build-out, where it does not inhibit other landowners, in order to reduce pollution and sediment loading.

**Land Use/Recreation**

- ☐ Tributaries should be conserved in a manner that provides connectivity to larger stream systems and allows for existing or future active and passive recreational activities.
- ☐ Where appropriate, tributaries should be incorporated into the design of a development.

**Implementation**

- ☐ The implementation of this ordinance shall be conducted in an equitable manner to all involved parties.

Eddie Collins, representing the Frisco Developers' Council was present to address the Council and spoke against the areas that are being recommended by staff as tributaries.

Jerry Ragsdale, representing the Frisco Developers' Council and Lone Star Ranch was present to address the Council and spoke against the areas that are being recommended by staff as tributaries.

Bruce Smith reiterated the comments of Mr. Collins and Mr. Ragsdale.

David Cicliano was present to address the Council and reiterated the comments as above.

The general consensus of the Council was to approve the objectives of the tributary ordinance and to have a “field-trip” to review areas of tributaries.

**13. Discussion Item: Discussion regarding a SUP application for Ghost Ranch. (Planning)**

**ADD STAFF COMMENTS:**

The general consensus of the City Council was to revoke the specific use permit.

**14. APPEAL: Public Hearing: Zoning Case Z2002-0024. A request to rezone 20.0± acres on the north side of Fisher Road, 420± feet west of Preston Road from Multifamily-1 to Two Family (Duplex). Neighborhood #11. Applicant(s): Douglas Properties, Inc. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled 1/21/03 (Planning)**

Council member Lafata moved to remove the item from the table. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**ADD STAFF COMMENTS**

Deputy Mayor Pro-Tem Maso moved to open the Public Hearing. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Richard Hopkins, Tipton Engineering, representing the applicant was present to address the Council requesting their approval of the request.

Janet McBride speaking on behalf of the Preston Meadows, II homeowners association was present to speak against the request. She stated that they would be willing to include the property in their HOA if the property were to be rezoned SF-4.

Baxter Brinkmann was present to speak against the request.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.



Jim Douglas, owner and applicant, was present to address the Council regarding the request. He stated that he is willing to work with the homeowners and the city. He said that he is willing to change the zoning to allow for a center-loaded patio home.

Following discussion, Deputy Mayor Pro-Tem Maso moved to instruct staff to prepare an ordinance for a PD with center-loaded product and preparation of a site plan for Patio Homes. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**15. Public Hearing: Zoning Case Z2002-0029. A request to amend Planned Development-128 to allow the additional use of Townhomes and to modify development standards to reduce the amount of open space, reduce building setbacks, and increase lot coverage required of a townhome development on 38.7+ acres on the west side of the Dallas North Tollway, 420± feet south of Stonebrook Parkway. Zoned Planned Development-128-Multifamily-2/Commercial-1. Neighborhood #22. Applicant(s): Texas Univest – Frisco, Ltd. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning)**

Council member Allen moved to **table** the item until the February 20, 2003 Meeting. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**16. Public Hearing: Zoning Case ZA02-0024. A request to amend the Comprehensive Zoning Ordinance to establish distance requirements between Beer & Wine Package Sales Establishments and between Beer & Wine Package Sales Establishments and other land uses. Applicant(s): City of Frisco. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning)**

Mayor Pro-Tem Reveal moved to open the Public Hearing. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

Insert Staff Comments (Mike Walker)

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the Public Hearing. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro-Tem Reveal moved to instruct staff to prepare an ordinance reflecting the recommendations of staff. Council member West seconded the Motion. Motion carried. Vote: 6-0.

**17. Public Hearing: Thoroughfare Plan Amendment TA2002-0001. A request to amend the Thoroughfare Plan regarding future street locations within the area bounded by Main Street on the north, Legacy Drive on the east, future Stonebrook Parkway on the south, and Teel Parkway on the west. Neighborhood #41. Applicant(s): Frisco Economic Development Corporation. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning)**

Council member Allen stepped down from the table and recused himself from discussion and vote due to a potential conflict of interest as a sitting member of the Frisco Economic Development Corporation.

**Staff report**

Council member West moved to open the Public Hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 5-0.

Frank Abbott, Kimley Horn & Associates was present to speak in favor of the request.

Linda Templin, daughter of Charlie and Ann Pearson, was present to speak against the request. She stated that her family held the property adjacent to the proposed re-alignment and requested the Council deny the request.

There being no one else present to speak for or against the request, Council member Lafata moved to close the Public Hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 5-0.

Jim Gandy stated that the FEDC Board has not taken any action or consideration of when the roads may be installed. He stated that the overall timing of the installation of the thoroughfare depends upon the development of the property.

Following discussion, Council member Nichols moved to instruct staff to prepare an ordinance amending the thoroughfare plan. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 5-0.

Council member Allen returned to the table at this time.

**18. Consider and act upon approval of City Manager's contract of employment and adopt a Resolution authorizing the Mayor to execute the same. (Mayor/City Council)**

Audie Adkins was present to speak in favor of the employment of the contract of employment for Mr. Purefoy.

Bob Warren was present to address the Council speaking in favor of the contract of employment of Mr. Purefoy.

Council member Lafata moved to adopt **Resolution No. 03-02-31R** therein authorizing the Mayor to execute the City Manager's contract of employment. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

NOTE TO SELF: NEED ORIGINAL CONTRACT

**19. The following items are regarding the DeMattia Zoning Case:**

- a) **Consider and act upon adoption of an ordinance to rezone 6.0± acres from Agricultural to Retail on the north side of Main Street, 1,550± feet east of F.M. 423. Neighborhood #44. Zoning Case Z2002-0017. Applicant(s): 1200 F.M. 720 Assoc., Ltd.)**

Council member Lafata moved to adopt **Ordinance No. 03-02-08** therein rezoning 6.0 acres, more or less from Agricultural to Planned Development-Retail (PD-R) subject to:

- b) **Development Plan: Zoning Case 2002-0017. An indoor soccer facility and a restaurant on 6.0± acres on the north side of Main Street, 1,550± feet east of F.M. 423. Zoned Agricultural. Requested zoning is Planned Development-Retail. Neighborhood #44. Applicant(s): 1200 FM 720 Associates, Ltd. Consider and act to instruct staff to prepare an Ordinance on the above request. (Planning)**

Insert Loren's comments

Following discussion, Council member Lafata moved to approve the Development Plan for a sports related use and restaurant that includes a drive-through retail use on Lot 2 as shown on the Development Plan, the east wall must be solid with no visibility, the 6' wall shall transition to 8' on the south east corner of the soccer facility there shall be a 40' setback on the east side. Deputy Mayor Pro-Tem Maso seconded the Motion. Voting Aye: Mayor Pro-Tem Reveal, Council member Nichols, Deputy Mayor Pro-Tem Maso, Council

member Lafata and Council member West. Voting Nay: Council member Allen. Motion carried. Vote: 5-1.

**20. Consider and act upon accepting a Resolution for the City Manager to enter into an Agreement for Professional Services with Providence Associates, Inc., for programming and construction document review for the library and interim library with Providence Associates, Inc. (City Manager's Office/SY)**

Insert Scott's Comments

Assistant City Manager Scott Young updated the Council on the Agreement for Professional Services with Providence Associates, Inc.

Following discussion, Council member Allen moved to adopt **Resolution No. 03-02-32R** therein approving and authorizing the City Manager to enter into an Agreement for Professional Services with Providence Associates, Inc., for programming and construction document review for the library and interim library with Providence Associates, Inc. Council member West seconded the Motion. Motion carried. Vote: 6-0. **NEED AGREEMENT.**

**21. Consider and act upon a Letter Agreement by and between the City of Frisco and SSG Mandalay Baseball Partners, L.P. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)**

Council member Allen moved to adopt **Resolution No. 03-02-33R** therein approving a Letter Agreement by and between the City of Frisco and SSG Mandalay Baseball Partners, L.P. subject to compliance with the Master Agreement subject to:

(1)

and authorizing the City Manager to sign the Agreement. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

**22. Consider and act upon an amendment to Lease Agreement by and between the City of Frisco and SSR Collin Land, L.P. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)**

Council member Allen moved to adopt an amendment to Lease Agreement by and between the City of Frisco and SSR Collin County Land, L.P. and adopt **Resolution No. 03-02-34R** therein authorizing the City Manager to execute the

Agreement subject to compliance with the original Lease Agreement. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**23. Consider and act upon approval of a first amendment to Sublease Agreement by and between the City of Frisco and SSG Mandalay Baseball Partners, L.P. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)**

Council member Allen moved to adopt the First Amendment to Sublease Agreement by and between the City of Frisco and SSG Mandalay Baseball Partners, LP and adopt **Resolution No. 03-02-35R** therein authorizing the City Manager to execute the Agreement. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**24. Consider and act upon approval of an amendment to Guarantee Agreement by and between the City of Frisco and Southwest Sports Group, L.L.C. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)**

Council member Allen moved to approve an Amendment to Guarantee Agreement by and between the City of Frisco and SSG, L.L.C. and adoption of **Resolution No. 03-02-36R** therein authorizing the City Manager to sign the Agreement subject to compliance with the original agreement. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

**25. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.**

Director of Planning John Lettelleir informed the Council they had approved five plats/site plans. The Council did not choose to appeal decisions.

**26. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda**

- Policy on board/commission attendance

**27. Discussion on Governance Monitoring of present City Council Meeting**

Council member West rated the Council on the Governance Monitoring of the current Meeting.

## **28. Adjourn**

There being no additional business, the Meeting was adjourned at.

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E. Michael Simpson, Mayor

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Nan Parker, City Secretary, TRMC/CMC